

UNITED STATES COURT.

AN IMPORTANT LAND CASE ARGUED BEFORE JUSTICE FULLER.**A Tract of Fifty-Nine Thousand Acres Involved in North Carolina—Other Cases in the Court.**

In the United States Circuit Court of Appeals yesterday, Chief Justice Fuller and Judges Goff and Bradley presiding, case No. 200 was taken up.

It is that of William W. Patton, plaintiff in error, vs. the Southern Railway Company, defendant in error. The case comes to this court on a writ of error from the Circuit Court of the United States, Western District of North Carolina.

Cause was argued by T. E. Davidson and F. A. Sonday for plaintiff in error, and by Charles Moore and G. F. Basom for defendant in error.

A petition was made for a hearing in cases Nos. 149 and 187. The court will decide at this term whether the cases will be reheard.

AN IMPORTANT CASE.**Case No. 206, J. J. Newman, plaintiff in error, vs. the Virginia, Tennessee and Carolina Steel and Iron Company, defendant in error, came up for argument at the afternoon session of the court. Cause was argued by Charles A. Moore for defendant in error and by Alfred S. Barnard for plaintiff in error. This case comes from the Circuit Court of the Western district of North Carolina, at Asheville, where Judge Simonton heard it, and rendered a verdict in favor of the defendants.**

This cause, which is one of the most important to arise at this term of the court, involves a tract of fifty-nine thousand acres of land.

This is an action of ejectment brought by the defendant in error, to recover certain lands described in the complaint. There were two cases against different defendants, of whom the plaintiff in error was one, but the cases were consolidated. The controversy was the title to the tract of land described in the grant of the State of North Carolina to William Cathcart, dated July 29th, 1798, describing 61,626 acres, but containing an exception therein of 2,000 acres, leaving, therefore, the number of acres granted to be 59,626. The defendants in error claimed that this tract was located south of what is known as the Wilkes county line. This contention was denied by the plaintiff in error, who claimed that if the said tract could be located at all, the beginning corner and closing line must be on the Wilkes county line, and all the land lie north of said line; and that the plaintiff in error had never been in possession of any land north of said Wilkes county line. The land which the defendant in error claims that the plaintiff in error is in possession of and wrongfully holds is shown by the evidence and the plot to be far south of the Wilkes county line. There was a further contention that even if the defendant in error could locate the 59,626 acre tract south of the Wilkes county line, the evidence showed that it was too far west to cover the end of which the plaintiff in error is in possession. And the following are the admissions of error upon which the plaintiff in error relies, to-wit:

THE ASSIGNMENTS OF ERROR.

The defendant in error introduced on the trial an part of its claim of title.

First, a certified copy of said grant for 61,626 acres with the 2,000 acres exception, which grant was to William Cathcart.

Second, a deed from Robert C. Latimer to Robert C. Latimer, dated April 29th, 1798.

Third, a deed from Robert C. Latimer to William Cathcart, George Latimer, Henry Latimer and Richard Dale, dated February 29th, 1798.

Fourth, a copy of the last will and testament of William Cathcart dated in 1805. These are the main assignments in error in the plaintiff's brief.

THE DEFENDANT'S STATEMENT.

The defendant in error submit the following as a correct statement of the case:

This is writ of error to the Circuit Court of the United States, Western District of North Carolina, upon two cases, consolidated and tried as one action in the court, between the defendants in error, Virginia, Tennessee and Carolina Steel and Iron Company, as plaintiff in both cases, and the plaintiff in error herein, J. J. Newman, as defendant in one case, and William Cuthbertson and fourteen others as defendants in the other case. The defendants in error allege their ownships in fee in two adjoining tracts of land, to-wit:

First—All that certain lot of land situated in the counties of Mitchell and Watauga in the State of North Carolina. Here the boundaries are given.

Second tract—All that other tract of land, situated in the county of Mitchell. Here the boundaries are given.

They also allege that the defendants therein, were wrongfully in possession thereof, and were unlawfully withholding the same from them; that they, the said defendants therein, were in the perception of the rents and liabilities, and capital employed. The pamphlet is full of valuable information for the business man, and is gotten up in a comprehensive and convenient way.

the city for their liberal donation received through Chief W. G. Fuller.

At Corcoran Hall to-night Rev. J. T. Bett will repeat his stereopticon lecture given eight times in the city. The entire proceeds will go to the poor of the city. An interesting feature of the entertainment will be the appearance of four young ladies and five young men, who appear in the native costumes worn in Jerusalem at this time. Mr. Bett will also show photographs taken by himself when in Jerusalem. The display of pictures will be superb.

The young men of the Citizens' Relief Association are doing excellent work in supplying the needy with food, fuel and raiment.

All letters in relation to the Association should be sent to Mr. Harry L. Valentine, the corresponding secretary.

A VERY BUSY MAN.**How Mr. H. O. Williams Travels in the Interest of the Y. M. C. A.**

Mr. H. O. Williams, who for a number of years has been the State Secretary of the Young Men's Christian Association of Virginia, and who is well known to the citizens of Richmond, has once more returned to this city to visit his friend, Mr. Williams, who is at present, one of the railroad secretaries of the International Committee of the Young Men's Christian Association, travels through a large section of the United States during the larger portion of the year.

He has just come from the State Convention in New York, held at Geneva, but before reaching Virginia he took a flying trip to Canada along the Canada Trunk Line, where he organized rail-road branches of the association at Toronto, Point St. Charles, in Montreal, and Richmond, Quebec. On last Thursday he attended a banquet of railroad men given at the Auditorium in Chicago, and he will leave to-day for Atlanta, Ga., where he will organize railroad branch on the Southern railway.

During his coming week Mr. Williams will attend the State Convention in Ohio, to be held at Springfield, O. On Friday night during that week Governor Bushnell, of Ohio, will preside over the meeting, and Mr. M. E. Ingalls, president of the Chesapeake and Ohio Railway Company, will deliver the principal address. Mr. Williams himself will, on that occasion, speak on the recent developments in the railroad field of the association. On February 23d Mr. Williams expects to be again in Toronto, Canada, and on February 24th he will attend the annual dinner of the State Committee of Massachusetts, at Boston, and the next day he intends to be present at the meeting of the railroad branch at Concord, N. H.

Being obliged to attend the State Convention of Connecticut, to be held at Middletown, Conn., from February 26th to 28th, Mr. Williams will endeavor to be present at the Virginia State Convention at Petersburg February 26th to 28th.

Henrico News.

The County Court was in session only a brief time yesterday. Lachland Patterson qualified as administrator of the estate of James Patterson, deceased.

No suit was commenced.

The Seven Pine Charcoal Club will hold its regular semi-monthly debate tonight. The subject for argument is, "Resolved, That the Moral and Intellectual Tone of Seven Pines Has Been Elevated by the Endeavors of the Charcoal Club."

Cyclone Samuels has warrants for the arrest of several negroes in Fulton, charged with breaking into one of the Chesapeake and Ohio freight cars.

"A Record, Not a Prospectus."

The Bradstreet Company has issued an attractive pamphlet entitled "A Record Not a Prospectus," which gives a review of the business conditions of 1896, with the failures for several years back in the United States and Canada according to credit ratings, liabilities, and capital employed. The pamphlet is full of valuable information for the business man, as to rates, Pullman reservations, etc., &c.

TICKET AGENT.

NO CONSUMPTIVE WILL DIE SO LONG AS HE CAN DIGEST AND ASSIMILATE FOOD.

All physicians admit this. Yet here the difficulty begins. How can we build up the consumptive's body as fast as the disease tears it down? Let us consider.

Cough mixture must be avoided because they frequently contain opiates which arrest the digestion. Their only effect upon the cough is by stupefying the nerves. Let them alone.

All foods that are hard to digest must be avoided, especially fats and oils. Only those foods that are easily digested and assimilated should be eaten. Foods not thus accepted by nature do no good; they do harm. Not merely what is eaten but what is digested and assimilated gives flesh and strength.

Consumption is starvation, slow or rapid, as may be. The first symptom is, not necessarily a cough, but a tendency to lose flesh, to grow thin. Stop this tendency now. Don't wait for obvious lung trouble. That's only a later development—only a minor point.

Stop the wasting and you master the disease,—even though it may have made some slight inroads already. Increase the flesh and the danger is past.

What is needed is an especially prepared food,—nutritive in itself and a digestor of other foods.

Such an article is the Shaker Digestive Cordial, made by the Shaker Community, of Mt. Lebanon, N. Y. It creates a natural appetite and augments the digestion of what is eaten with it. It overcomes the wasting which is fatal in the consumptive process.

A man may lose money and not die a bankrupt. One may have consumption and not die of it. This is science and wisdom. The success of this new remedy proves it.

Given under my hand, this 6th day of February, 1897.

CHARLES W. GODDIN, Clerk.

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By Jackson Brandt & Co., Agents,

1103 Main street.

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T RUSTEES' SALE OF DESIRABLE DWELLING, No. 607 SOUTH LAUREL STREET; Also, VACANT LOT NEAR CHIMBORAZO PARK.

In execution of a deed of trust, dated October 28, 1895, recorded in clerk's office of Richmond Chancery Court, in Deed Book 150, B. page 62, in Mingo County Court, in Deed Book 152, B. page 249, and having been made in the payment of the notes secured, and at the request of the beneficiary, we will sell by public auction, on the premises, on

FRIDAY, FEBRUARY 12, 1897,

at 4 o'clock, the above-described DWELLING, containing seven rooms, with bath, city water, &c., and at 5 o'clock, on the same day, the above-mentioned VACANT LOT, bounded on the east by Laurel street, east of Thirty-sixth street, and running back to the National Cemetery road, on which it fronts 50 feet.

TERMS: Cash sufficient to defray the expenses of executing the trust, all taxes to date, \$100, plus interest from October 1st \$1,000, the residue upon such terms as the grantor shall prescribe, or, in default of such direction in note, at twelve months, with interest, secured by a deed of trust.

ROBERT LECKY JR., JACKSON BRANDT, Trustees.

fe-7

By Chechning & Rose, Real Estate Auctioneers, No. 6 North tenth street.

T RUSTEES' AUCTION SALE OF NO. 120 EAST LEIGH STREET.—By virtue of a certain deed of trust, dated 2d day of December, 1895, recently recorded at the office of Richmond Chancery Court, D. B. C. page 164, default having been made in the payment of the debt therein secured, and being required by the beneficiary so to do, we will sell, by auction, under the direction of the trustees, on

TUESDAY, THE 17TH DAY OF FEBRUARY, 1897,

at 4:30 o'clock, P. M., that certain LOT OF LAND with the improvements thereon, bounded on the south line of Leigh street between Thirteenth and Fourteenth streets, having a front on the said south line of Leigh street 20 feet, and extending back within parallel lines 30 feet and 10 inches to an alley 10 feet wide.

TERMS: Cash as to cost of sale and balance due on land of \$29,200; balance at twelve months, bearing 6 per cent, interest, and secured by a deed of trust upon the property.

A. J. CHECHNING, F. SITTERLING, Trustees.

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